

**FERNANDEZ & ASSOCIATES LLP**  
PATENT ATTORNEYS**FACSIMILE TRANSMITTAL SHEET**TO: TERRANCE LAWRENCE  
Mail Stop Amendment-Non-CompliantFROM:  
Dennis S. FernandezCOMPANY:  
USPTODATE:  
2/16/05FAX NUMBER:  
(571) 273-2584TOTAL NO. OF PAGES INCLUDING COVER:  
53PHONE NUMBER:  
571-272-2584OUR PHONE NUMBER:  
(650) 325-4999RE:  
Response to Notice of Non-Compliant  
AmendmentOUR FAX NUMBER:  
(650) 325-1203☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

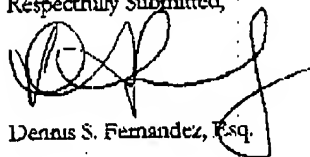
## NOTES/COMMENTS:

RE: Appl. No.: 10/606,297; Filed: 06/24/2003  
Inventor: Kalivoda, Christopher M.  
Title: Integrated Optical and Electronic Devices  
Our Docket No.: LUX P005

Attention: Terrance Lawrence

Please find the Amendment for the above referenced patent, resubmitted in response to the Notice of Non-Compliant Amendment with the mail date of 2/25/2005.

Respectfully Submitted,

  
Dennis S. Fernandez, Esq.



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 2/25/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

## THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Claims 19-303 need to state they are Canceled on this claims

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opa/procnotice/office/ver.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Terrance Lawrence  
Legal Instruments Examiner (LIE)

571-272-2584  
Telephone No.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventors: Gunn III, et al.

Attorney Docket No.: LUX-P005

Serial No.: 10/606,297

Group Art Unit: 2883

Filed: 06/24/2003

Examiner: Kalivoda, Christopher M.

Title: Integrated Optical and Electronic Devices

**RESPONSE TO OFFICE ACTION**

Commissioner for Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In Response to the Office Action dated 1/25/2005, the Examiner has stated that Claims 1-303 are subject to restriction or election requirement as follow:

1. Invention I. (Claims 1-294), are drawn to an optical waveguide on a substrate, classified in class 385, subclass 131.
2. Invention II. (Claims 295-302), drawn to a method of design/manufacturing integrated optical devices, classified in class 438, subclass 31.

In response to the Office Action dated January 25, 2005, Applicants hereby elect Claims 1-18, corresponding to species Group 1 of Invention I, drawn to an optical waveguide on a substrate, classified in class 385, subclass 131. This election is made with traverse.